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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,266	10/27/2003	Allen D. Polowinczak	501247.00277	2799

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EXAMINER

A. PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,266

Applicant(s)

POLOWINCZAK, ALLEN D.

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12, 16-19, 23, 24 and 41-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 16-19, 23, 24 and 41-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Gieseke (6494002).

Gieseke (figures 5-7) shows a sash window comprising a first pane of glass (71) and a second pane of glass (71) spaced from the first pane of glass by a pane separator (84), each of the first and second panes of glass being generally planar and having two opposed, generally planar major surfaces and a plurality of smaller edge surfaces defined by perimeters of the two major surfaces, the first pane (71) being generally parallel to the second pane and positioned such that one of the major surfaces of the first pane is in spaced and confronting relationship to one of the major surfaces of the second pane, a muntin grid located between the first and second pane including a muntin bar (65), a muntin clip (10, figure 7) located between the first and second pane and having a base (30) having a first surface being textured surface, the surface having a plurality of protrusions thereon (44), the protrusions extending a distance from the textured surface, the distance being substantially smaller than a length and a width (the distance from one end of 50 to the other end connecting 30) of the textured surface, the surface frictionally engaging the separator (86) and a connector (16) extending from the base and engaging the muntin bar, the textured surface engages a side surface of the pane separator in substantially

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parallel, face to face relation, and the protrusions extend from the textured surface substantially perpendicularly to the side surface of the pane separator to engage the side surface, the textured surface is located on a lip extending from the base, and the textured surface covers substantially and entire face of the lip, the lip extending from the base in a direction generally opposite the direction from which the connector extends from the base.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-12, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gieseke in view of Bancroft et al.

Gieseke (figures 5-7) shows a window comprising a first pane of glass (71) and a second pane of glass (71) spaced from the first pane of glass by a pane separator (84), each of the first and second panes of glass being generally planar and having two opposed, generally planar major surfaces and a plurality of smaller edge surfaces defined by perimeters of the two major surfaces, the first pane (71) being generally parallel to the second pane and positioned such that one of the major surfaces of the first pane is in spaced and confronting relationship to one of the major surfaces of the second pane, a muntin grid located between the first and second pane including a muntin bar (65), a muntin clip (10, figure 7) located between the first and second pane and having a base (30) having a first surface being textured frictionally engaging the separator (86) and a leg (16) extending from the base and engaging the muntin bar, the first

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surface is located on a lip (50) extending from the base, the lip (50) extends from the base in a direction generally opposite to the direction from which the leg (16) extends from the base, the leg extends from the base from a second surface wherein the first surface is opposite from the second surface.

Gieseke does not show a sash.

Bancroft et al (124, figure 4) discloses a sash covering a double panel window and a separator.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gieseke's structure to show a sash covering the double spaced panes because it allows for the easy attachment of the window to a frame structure as taught by Bancroft et al.

3. Claims 18-19, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gieseke in view of Bancroft et al.

Gieseke shows a window having a first pane of glass (70) a second pane of glass (71) spaced from the first pane of glass by a pane separator (84), each of the first and second panes of glass being generally planar and having two opposed generally planar major surfaces and a plurality of smaller edge surfaces defined by perimeters of the two major surfaces, the first pane is generally parallel to the second pane and positioned such that one of the major surfaces of the first pane is in spaced and confronting relation to one of the major surfaces of the second pane, a muntin grid (65) located between the first and second pane including a muntin bar, a muntin clip (figure 7) located between the first and second pane and having a base (50, 30) having a textured surface, the textured surface having a plurality of protrusions distributed across an entirety of the

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textured surface to create a surface texture on the textured surface, the texture surface frictionally engaging the separator (84) such that the protrusions engage the separator, and a leg (16) extending from the base and engaging the muntin bar, the textured surface is located on a lip (50) extending from the base, and the textured surface covers substantially an entire face of the lip, the lip extends from the base in a direction generally opposite the direction from which the leg extends from the base, the leg extends from the base from a second surface wherein the textured surface is opposite from the second surface,

Gieseke does not show a master frame, a sash window mounted in the master frame.

Bancroft shows a sash and a master frame for mounting the window.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gieseke's structure to show a master frame, a sash window mounted in the master frame because it allows for the easy attachment of the window to a frame structure as taught by Bancroft et al.

4. Claims 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gieseke in view of Bancroft et al.

Gieseke shows a window having a first pane of glass (70) a second pane of glass (71) spaced from the first pane of glass by a pane separator (84), each of the first and second panes of glass being generally planar and having two opposed generally planar major surfaces and a plurality of smaller edge surfaces defined by perimeters of the two major surfaces, the first pane is generally parallel to the second pane and positioned such that one of the major surfaces of the first pane is in spaced and confronting relation to one of the major surfaces of the second pane, a muntin grid (65) located between the first and second pane including a muntin bar, a muntin clip

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(figure 7) located between the first and second pane and having a base (50, 30) having a textured surface, the textured surface having a plurality of protrusions thereon, each protrusion having a length, a width, and a height that are substantially smaller than a length and a width of the textured surface, the texture surface frictionally engaging the separator (84) such that the protrusions engage the separator, and a connector (16) extending from the base and engaging the muntin bar, the textured surface engages a side surface of the pane separator in substantially parallel, face to face relation, and the protrusions extend from the textured surface substantially perpendicularly to the side surface of the pane separator to engage the side surface, the height of each protrusion is substantially smaller than a thickness of the base (the thickness being the vertical dimension), each protrusion extends a distance from the textured surface that is substantially smaller than a length of the textured surface.

Gieseke does not show a frame comprising a plurality of frame members.

Bancroft shows a frame comprising a plurality of frame members and a pane separator extending along at least a portion of a length of at least one of the frame members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gieseke's structure to show a frame comprising a plurality of frame members because it allows for the easy attachment of the window to a frame structure as taught by Bancroft et al.

Response to Arguments

1. Applicant's arguments with respect to claims 10-12, 16-19, 23-24, 41-52 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

10/1/07